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**BY E-FILE AND HAND DELIVERY**

The Honorable Sherry R. Fallon  
United States District Court of Delaware  
844 North King Street  
Wilmington, DE 19801

August 11, 2023

Re: *Sight Sciences, Inc. v. Ivantis, Inc.*  
C.A. No.: 21-1317-GBW-SRF

Dear Judge Fallon:

I write on behalf of my client Sight Sciences, Inc. in response to Mr. Russell's letter today on behalf of Defendants Alcon and Ivantis (D.I. 268).

Sight joins Defendants' observation that the parties are currently preparing expert reports and respectfully requests that Your Honor consider deciding the issue on the papers submitted in the District of Georgia. Dr. Brown, the part-time Chief Medical Officer of Sight Sciences, resides in Georgia. Defendants belatedly subpoenaed Dr. Brown to obtain the discovery collected from him and produced by Glaukos in *Glaukos v. Ivantis*. Sight Sciences was not a party and the production was proprietary to Dr. Brown, his former employer GMP, and Glaukos, which purchased his patents from GMP. Ivantis deposed Dr. Brown in the Glaukos Litigation, knew he had four computers and a large quantity of paper documents containing information relating to his work for GMP, and nevertheless deleted the discovery Glaukos collected from Dr. Brown and produced. Ivantis deleted the documents at least two months *after* Sight Sciences filed the present lawsuit. Despite having obtained discovery from Dr. Brown in the Glaukos Litigation and including him on Defendants' earliest initial disclosures in this case, Defendants never subpoenaed Glaukos and waited until three weeks before the close of fact discovery to subpoena Dr. Brown. The GMP and Glaukos information on Dr. Brown's four computers and approximately 100 lbs. of paper documents likely is terabytes or hundreds of gigabytes, and would be extremely time consuming and expensive to collect, review, and produce in response to Defendants' broad subpoena.

In the event that Your Honor prefers letter briefing, Sight respectfully requests 6 pages to address the details important to deciding Defendants' motion to compel.

Respectfully,  
*/s/ Melanie K. Sharp*  
Melanie K. Sharp (No. 2501)

MKS:mg

cc: All Counsel of Record (via CM/ECF and e-mail)  
Clerk of the Court (via CM/ECF and Hand Delivery)

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